

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4838 OF 2005

The Sarpanch,
Village Panchayat Kolindre.... Petitioner

versus

Rajara, Narasu Katale & rs..... Respondent.

WITH

WRIT PETITION NP.3495 OF 2005

Sadashiv G. Hebbalkar & ors Petitioner

versus

Rajaram N. Katale & ors ... Respondent.

Mr. Kishore Patil i/b Ankeet Rane for the petitioner.

Shri Rajiv Matkar for Respondent nos. 2 to 5.

Shri G.V. Limaye for Respondent no.1.

Shri S.K.Chinchalikar AGP for Respondent no.9.

CORAM; A.P. DES HPANDE, J.
DATED; 13TH AUGUST, 2007

P.C.;

1. As both the writ petitions involve common questions, the same are disposed of by this common order.

2. The writ petitioner in W.P.4838/05 is village panchayat whereas in W.P.3495/05 four villagers from village Ajara are the petitioners. The petitioners in both the writ petitions question the correctness of

the order passed by the Addl.Commissioner, Pune dated 22-2-2005 by which order the Commissioner has withdrawn the acquisition of land, Ghat no.224. The Commissioner has found that the land in question viz. ghat no.224 came to be allotted to ex-service man in the year 1967 and the said land is an irrigated land. The Commissioner after considering the suitability of the land has found that right since beginning it was pointed out by Tahasildar that the land, ghat no.224 should not be acquired as it was an irrigated land. It appears that the Resolution was passed by village Panchayat for acquisition of ghat no.224 at the behest of the petitioners in W.P.3495/05. The Commissioner has proposed acquisition of the land either from ghat no.222, 223 or 139 for the purpose of extension of gavthan and after recording the reasons, has withdrawn from acquisition of ghat no.224.

2. Perused the order passed by the Commissioner. The same does not call for any interference as it does not suffer from any illegality. Hence writ petitions are summarily dismissed.

....